

2009 DRAFTING REQUEST

Senate Amendment (SA-SB286)

Received: **11/10/2009**

Received By: **agary**

Wanted: **As time permits**

Identical to LRB:

For: **Alberta Darling (608) 266-5830**

By/Representing: **Jay Risch**

This file may be shown to any legislator: **NO**

Drafter: **agary**

May Contact:

Addl. Drafters:

Subject: **Fin. Inst. - miscellaneous**

Extra Copies: **MDK**

Submit via email: **YES**

Requester's email: **Sen.Darling@legis.wisconsin.gov**

Carbon copy (CC:) to: **aaron.gary@legis.wisconsin.gov**

Pre Topic:

No specific pre topic given

Topic:

Definition of collection agency

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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FE Sent For:

<END>

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/?	agary	11/12 jld	11/12 plx	11/12 ph			
FE Sent For:							
<END>							

Gary, Aaron

From: Risch, Jay
Sent: Tuesday, November 10, 2009 2:42 PM
To: Gary, Aaron
Subject: SB 286 amendment

Hi Aaron,

Would you draft an amendment to SB 286 that removes "health care billing companies" and replaces it with "any person collecting or attempting to collect any debt owed or due another to the extent such activity concerns a debt which was not in default at the time it was obtained by such person" ?

Thanks. Let me know if you have any questions -

Jay Risch
Sen. Darling's Office
6-5830

SECTION 1. 218.04 (1) (a) of the statutes is amended to read:

218.04 **(1)** (a) "Collection agency" means any person engaging in the business of collecting or receiving for payment for others of any account, bill, or other indebtedness. ~~It shall~~ "Collection agency" does not include attorneys at law authorized to practice in this state and resident herein, banks, express companies, any person collecting or attempting to collect any debt owed or due another to the extent such activity concerns a debt which was not in default at the time it was obtained by such person, , state savings banks, state savings and loan associations, insurers and their agents, trust companies, district attorneys acting under s. 971.41, persons contracting with district attorneys under s. 971.41 (5), real estate brokers, and real estate salespersons.

11/10/2009



State of Wisconsin
2009 - 2010 LEGISLATURE

LRBa1155/1

ARG: :....

soon
in 11/11
J-Nite
jld

SENATE AMENDMENT,
TO 2009 SENATE BILL 286

1 At the locations indicated, amend the bill as follows: ✓

2 1. Page 2, line 3: delete health care billing companies. ✓

3 2. Page 2, line 6: delete "and" and substitute "and". ✓

4 3. Page 2, line 6: after "salespersons" insert and any person collecting or ✓
5 attempting to collect any debt owed or due another arising from an obligation that
6 was not in default when the person obtained rights to collect the debt. ✓

7 (END)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

date

LRBa1155/1dn

ARG:....

jld

ATTN: Jay Risch✓

Please review the attached draft carefully to ensure that it is consistent with your intent.✓ I have made some modifications to the suggested language. Technically speaking, I don't think one would say that the debt itself is in default, so I have modified this language. In addition, I'm not sure what was meant by the language relating to the debt being "obtained." I assume the intent is broader than situations where there is an assignment of the rights in the obligation, so I have included broader language.✓

Please let me know if you would like any changes made to the attached draft or if you have any questions.✓

Aaron R. Gary
Legislative Attorney
Phone: (608) 261-6926
E-mail: aaron.gary@legis.wisconsin.gov

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBa1155/1dn
ARG:jld:ph

November 12, 2009

ATTN: Jay Risch

Please review the attached draft carefully to ensure that it is consistent with your intent. I have made some modifications to the suggested language. Technically speaking, I don't think one would say that the debt itself is in default, so I have modified this language. In addition, I'm not sure what was meant by the language relating to the debt being "obtained." I assume the intent is broader than situations where there is an assignment of the rights in the obligation, so I have included broader language.

Please let me know if you would like any changes made to the attached draft or if you have any questions.

Aaron R. Gary
Legislative Attorney
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E-mail: aaron.gary@legis.wisconsin.gov